In the claims:

Please, as shown below, amend claims 1, 8, and 17 and add new claims 21-35.

All pending claims are shown.

1.   (currently amended) A method for providing data files to a remote user over a channel comprising:
    determining the speed of a channel;
    using said speed, estimating the transfer time for a data file;
    responsive to said transfer time, and based on a parameter set by the remote user, determining whether to transfer either said data file or a compressed version of said data file; and
    transferring said data file or a compressed version of said data file, based on said determining.

2.   (original) A method according to claim 1 wherein said determining the speed of a channel comprises:
    sending a test on said channel; and
    detecting the transfer time of said test on said channel.

3.   (original) A method according to claim 1 wherein said determining the speed of a channel is initiated when a request is received from a user to download a large digital file.

4.   (original) A method according to claim 1 wherein said data files include at least one file of at least one file type from the group consisting of:
    digitally encoded audio files,
    digitally encoded video files,
    digitally encoded text, and
    digitally encoded images.

5.   (previously amended) A method according to claim 2 wherein said sending a test is initiated in response to a user login.

6.   (original) A method according to claim 1 further comprising:

   receiving an indication from a user system as to what
      compression formats are decodable by said user system.

7.   (original) A method according to claim 1 further comprising:

   transmitting to a user system an applet required to access a
      compressed file.

8.   (currently amended) A method ~~according to claim 1~~ for providing data files to a remote user over a channel comprising:

   determining the speed of a channel;
   using said speed, estimating the transfer time for a data
      file;
   responsive to said transfer time, determining whether to
      transfer said data file or a compressed version of said
      data file; and
   transferring said data file or a compressed version of said
      data file, based on said determining;
the method further comprising:

   transmitting to a user system data representing a list
      indicating available data files and indicating estimated
      transfer times for said data files and for compressed
      versions of a data file; and
   receiving a user selection of a data file indicating a desired
      transfer delay.

9.   (original) A method according to claim 1 further comprising:

   comparing a transfer time for a data file to a threshold;

transferring a compressed file instead of said large digital
data file if said transfer time exceeds said threshold.

10. (original) A method according to claim 9 wherein said
threshold is configurable as a maximum acceptable delay.

11. (original) A method according to claim 9 further
comprising:
    if a time for transmitting a file exceeds a threshold,
        converting a file to another format.

12. (original) A method for providing remotely accessible
multimedia messages comprising:
    determining the speed of a channel;
    determining the transfer time for available messages and
        attachments using the size of available messages and
        attachments and said speed;
    providing data representing a list of available messages to a
        user, wherein at least one listed message with a transit
        time greater than a threshold is provided with at least two
        compression options; and
    receiving from a user data indicating a desired compression
        option.

13. (original) A method according to claim 12 wherein said
determining the speed of a channel comprises:
    sending a test on said channel; and
    detecting the transfer time of said test on said channel.

14. (original) A method according to claim 12 wherein said
multimedia messages include at least one file of at least one
file type from the group consisting of:
    digitally encoded voice messages,
    digitally encoded email messages,

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digitally encoded video messages, and

facsimiles.

15. (original) A method according to claim 12 further comprising:

    receiving an indication from a user system as to what
        compression formats are decodable by said user system;

    when necessary, transmitting to a user system an applet
        required to access a compressed file.

16. (original) A method according to claim 12 further comprising:

    using user access patterns and information and system
        information to determine whether to compress messages
        before a server is connected to by a user and to determine
        whether to delete precompressed messages when system
        resources are low.

17. (currently amended) A server system able to communicate adjustable sized messages to a client comprising:

    an interface (220) able to connect over a channel (110) or an
        optional channel (110a) to a user system;

    a test (140) sent over an active channel to determine a
        channel speed;

    a timer (240) able to determine said ~~transit~~ <u>channel</u> speed;

    two or more message files (252) of a determined size,
        selectable for presentation; and

    one or more compressed message files (254), alternatively
        selectable for presentation.

18. (original) An apparatus according to claim 17 further comprising:

    analysis logic for determining whether to compress messages
        prior to access by a user, based on user parameters.

19.   (original) An apparatus according to claim 17 wherein said
apparatus is embodied into a fixed media containing logic
instructions that when loaded into appropriately configured
computer systems will cause the system to embody said server.

20.   (original) A method for presenting to a user a list (400)
of messages for interacting with a multimedia message server
comprising:

    presenting to a user an identification (402) of a message
        available for transfer;

    presenting, for said message, an indication of a first
        transfer time (410) and a second transfer time (412), said
        second transfer time indicating time for transfer of a
        compressed message; and

    registering a user action indicating a compression option to
        be transferred.

21.   (new) A method according to claim 20 further comprising
determining said second transfer time based on a channel speed
and a size of said compressed message.

22.   (new) A method according to claim 12 wherein said data
representing a list of available messages includes an indication
that, among the compression options, one indicated compression
option provides a greater degree of compression than another
compression option.

23.   (new) A method according to claim 22 wherein said at least
two compression options include at least three compression
options, and said data includes an indication of the hierarchy of
degree of compression among at least said three compression
options.

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24.   (new)   A method according to claim 12 wherein said available messages include a message addressed to the user.

25.   (new)   A method according to claim 24 where the message is of a message type from the group consisting of:

    a telephony voice message,

    a facsimile message, and

    an electronic mail message.

26.   (new)   A method according to claim 14 wherein said multimedia messages include at least one file of each of at least two file types from the group.

27.   (new)   A method according to claim 12 further comprising providing a message using only the desired compression option.

28.   (new)   A method according to claim 8 wherein said available data files include a message addressed to the user.

29.   (new)   A method according to claim 28 wherein the message is of a message type from the group consisting of:

    a telephony voice message,

    a facsimile message, and

    an electronic mail message.

30.   (new)   A method according to claim 9 wherein said parameter includes said threshold.

31.   (new)   A method according to claim 4 wherein said data files include at least one file of each of at least two file types from the group.

32.   (new)   A method according to claim 1 wherein said determining step is further based on usage level of a computer system.

33.   (new)   A method according to claim 1 further comprising generating said compressed version of said data file.

34.   (new)   A method according to claim 1, wherein said step of determining whether to transfer said data file or said compressed version is hereinafter referred to as the version determining step, the method further comprising determining whether to pre-generate said compressed version of said data file before said version determining step.

35.   (new)   A method according to claim 34 wherein said step of determining whether to generate is based on a parameter specific to said remote user.

REMARKS

Status of Claims

After entry of the above amendments, claims 1-35 are pending.

Claim 17 has been amended solely to repair an informality involving lack of antecedent basis, to give claim 7 its clearly-intended form. (Claim 5 was previously amended in an earlier Amendment for the same sole purpose and effect.) Claim 8 has been amended solely to put it into independent form, including all limitations from its former base claim. Claim 1 has been amended for refinement. All claims are intended to be interpreted exactly as if they had been originally presented in their current form.

New claims 21-35 have been added to claim the invention more extensively without adding new matter.

For efficiency in communication, claim rejections of claims that have since been amended will be discussed as if the rejections had been applied to the amended claims.

Item 1 of the Office Action stated that claims 1-20 were presented for examination.

Item 2 quoted 35 U.S.C. § 102(e) (hereinafter, "Section 102(e)").

Item 3 rejected claims 1, 3-4 and 8-11 under Section 102(e) as being anticipated by Mogul et al. (U.S. Patent 6,243,761 B1) (hereinafter, "Mogul").

Items 4, 5, 6, 7 and 8 discussed claims 1, 3, 4, 8 and 9-11, respectively.

Item 9 quoted 35 U.S.C. § 103(a) (hereinafter, "Section 103(a)").

Item 10 rejected claims 2 and 5 under Section 103(a) as being unpatentable over Mogul as applied to claim 1, in view of Barrett et al. (U.S. Patent 5,908,467) (hereinafter, "Barrett").

Items 11 and 12 together discussed claims 2 and 5.

Item 13 rejected claims 6 and 7 under Section 103(a) as being unpatentable over Mogul as applied to claim 1, in view of Bentley et al., "The Freedom to Choose: Transforming Content On-Demand in the BSCW Shared

Workspace System", Germany Research Center for Computer Science, 1997 (hereinafter, "BSCW").

Item 14 commented that BSCW was a "prior art reference cited by the Applicant on 1449, filed on 8/30/00 *[sic]* ".

Items 15 and 16 together discussed claims 6-7.

Item 17 rejected claims 12-19 under Section 103(a) as being unpatentable over Barrett in view of BSCW.

Item 18, 19 and 20 together discussed claims 12 and 15-16.

Items 21, 22 and 23 discussed claims 13, 14 and 17-19, respectively.

Item 24 rejected claim 20 under Section 103(a) as being unpatentable over Barrett.

Items 25 and 26 together discussed claim 20.

Item 27 stated that Applicants previous arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Item 28 gave contact information for the Examiner and the U.S. Patent and Trademark Office.

Applicants respectfully traverse all rejections and request reconsideration.

Section 102(e) Rejections

Claims 1, 3-4 and 8-11 were rejected under Section 102(e) as being anticipated by Mogul.

Claim 8

Claim 8 has been amended above into independent form without changing claim scope whatsoever. Claim 8, in part, recites:

> transmitting to a user system data representing a
>   list indicating available data files and
>   <u>indicating estimated transfer times</u> for said data
>   files and <u>for compressed versions of a data file;</u>
>   and
> receiving a user selection of a data file
>   indicating a desired transfer delay

(underlining added for emphasis)

Item 7 of the Office Action alleged that Mogul teaches these steps of claim 8 at Mogul, col. 5, lines 57-67. Applicants respectfully disagree. The entire cited portion of Mogul states merely:

> *For example, if a Web page contains a graphic image, and the server and the client are connected over a high-bandwidth path, then the server generates a large, high-resolution, full-color version of the image to the client. Over a moderate-speed path, the server provides an image that is smaller, a low resolution image, or only in black and white image. Over a very slow path, the server can suppress the images, or perhaps substitute a very small "thumbnail sketch" and the user can decide whether to take the time to retrieve the elaborate image.*

As is seen from the above passage, Mogul's system is a hard-wired and automatically-acting system in which the Web server unilaterally determines which version of a file to initially display, depending on path speed. There is simply no teaching or even suggestion of any "<u>indicating estimated transfer times</u> for said data files and <u>for compressed versions of a data file</u>", as is required by claim 8. Mogul gives the user only one decision to make, and only sometimes. That decision is whether to retrieve the full non-compressed "elaborate image", after the compressed thumbnail image has <u>already</u> been transferred and seen. Note that by the time the user is given his or her single decision to make, the compressed thumbnail version of the data file has already been transferred, with an <u>actual</u> transfer time, and there would be no taught or suggested use whatsoever for knowing the <u>estimated</u> transfer time of the "compressed versions" of the data file.

Accordingly, Applicants respectfully submit that the rejection under Section 102(e) of claim 8 is not proper.

Applicants have established above that claim 8 was not anticipated by Mogul. In order to facilitate examination of claim 8, Applicants further respectfully submit that it would not have been obvious for one of ordinary skill in the art to have somehow attempted to modify Mogul to somehow obtain the features of Applicants' claim 8. One reason that it would not have been obvious is that Mogul's system, as was seen above, is a system whose main purpose is to select a version of a file <u>automatically</u> and then to transfer that version automatically. For example, Mogul states in its Summary section that "[a]s an <u>advantage</u> the adjusting is performed <u>without the intervention of the user or the client computer</u>" (emphasis added, Mogul, col. 4, lines 7-9). For another example, Mogul states in an introductory sentence that "[t]he invention allows a Web site, e.g., a server, to <u>automatically</u> adjust the content and presentation of Web pages to the currently available bandwidth" (emphasis added, Mogul, col. 5, lines 47-49). It is thus seen that Mogul teaches selecting an image version <u>automatically</u> as an "advantage". Accordingly, it is seen that Mogul <u>does not suggest</u> and actually <u>teaches away</u> from deviating from its automatic version selection.

Furthermore, given that a compressed image (e.g., thumbnail) has already been received and displayed for a Web surfer (and with an <u>actual</u> transfer time), the Web surfer simply would not be expected to care how long the compressed image or some other not-to-be-used compressed version of the image was estimated to take to arrive. Thus, there was <u>no motivation</u> to somehow modify Mogul. Furthermore, any contemplated attempt to provide useless information (estimated transfer time) in Mogul would have <u>no expectation of success</u> because the information would be of no discernible use.

For at least the just described reasons, Applicants respectfully submit that claim 8 was also not obvious in view of Mogul.

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· Claim 1

Claim 1, as amended, recites among other steps a step of:

> *responsive to said transfer time, and based on a parameter set by the remote user, determining whether to transfer either said data file or a compressed version of said data file;*

(underlining added for emphasis)

Applicants respectfully submit that Mogul does not teach or suggest such a step. On the contrary, as has been discussed above in connection with claim 8, Mogul teaches a highly automatic Web server that unilaterally and automatically determines whether to transfer a compressed version of a data file. Mogul's system appears to give the user only a single decision to make, and by the time that decision is given, a compressed version (thumbnail) of the data file has already been transferred. The user's decision actually has nothing to do with compression; the user's decision relates only to whether the data file itself should also be downloaded in addition to the already-downloaded compressed version (thumbnail). Thus, there is no "either ... or" decision that is to be made in Mogul, as would be required by claim 1, as amended.

For at least the reason just stated, Applicants respectfully submit that claim 1 is not anticipated by Mogul.

Applicants further respectfully submit that it would not have been obvious for a person of ordinary skill in the art to have somehow attempted to modify Mogul to somehow obtain the features of claim 1. In particular, as was seen from above discussion in connection with claim 8, a main purpose of Mogul is for a Web server to automatically make all decisions related to compression. The only decision that the user is given is not related to compression and instead relates only to the non-compressed original "elaborate" file. Thus, Mogul teaches away from claim 1, and there was no suggestion to modify Mogul.

Claims 3-4 and 9-11

Applicants do not agree with the rejections of, and assertions regarding, claims 3-4 and 9-11. However, the rejections and assertions are moot, because these claims all depend on claim 1 as a base claim. Accordingly, these claims are allowable for at least the same reasons as is claim 1.

Section 103(a) Rejections

Claims 12-19

Claims 12-19 were rejected under Section 103(a) as being unpatentable over Barrett in view of BSCW.

Claim 12

Claim 12, in part, recites:

> *determining the transfer time* for available
>   messages and attachments *using the size* of
>   available messages and attachments *and said*
>   *speed;*

(underlining added for emphasis)

Item 18 of the Office Action alleged that Barrett teaches these steps of claim 12 at Barrett, col. 3, line 61 to col. 4, line 12; col. 5, line 64 to col. 6, line 2; col. 6, lines 10-15. Applicants respectfully disagree.

Upon examination of Barrett, including the cited portions, it is seen that Barrett does not anywhere determine a transfer time using <size> and <speed>. On the contrary, what Barrett actually does is to classify the size of a file into a set of size ranges, and to classify the speed of a connection into a set of speed ranges, and then to communicate these two pieces of information independently to the user. See, e.g., Barrett, FIG. 5, in which each file (e.g., element 50) has separate indicators (e.g., elements 58 and 64) for the "link delay" and the file "size" (see, e.g., element 70). The indicators are merely rough classifications ("green", "yellow", "red", see, e.g., element 70). Barrett does not anywhere teach

or suggest "determining the transfer time for available
messages and attachments using the size of available
messages and attachments and said speed", as is required by claim 12.

Applicant believes that the Examiner's mistaken belief that Barrett taught
such a step of claim 12 was due to a misinterpretation, perhaps caused by
impermissible hindsight, of the terminology adopted in Barrett. Barrett states:

> *In step 16, the user receives a response from the remote server.
> The user then evaluates the response (step 18). This can be done
> by measuring the amount of real time between transmission of the
> test message and receipt of the response. This time interval is
> used as an estimate of the download time.*

(Barrett, col. 5, lines 58-63)

The above passage is the passage just before a passage cited by the
Office Action as teaching the step of claim 12. As can be determined from the
quoted passage and other passages of Barrett, in Barrett, a mere channel speed
as determined at the client by a test message is said to be "used" as an "estimate
of the download time" (of an actual file). Thus, it becomes clear that Barrett does
not actually "determin[e] the transfer time for available
messages and attachments using the size of available
messages and attachments and said speed, as is required by claim 12.
On the contrary, Barrett merely "use[s]" only the mere channel speed as "an
estimate of the download time", even though clearly the mere channel speed
cannot actually be a true estimate of the download time. The word "estimate" is
being (mis-)used in Barrett. Nothing is "determined" in Barrett "using" the file size
"and" the channel speed. On the contrary, in Barrett, the channel speed is
provided, and the file size, if available, can also be separately provided to the
user as separate data points.

Accordingly, it is seen that the references Barrett and BSCW, even if
combined, do not teach all elements of claim 12. For at least this reason,

Applicants respectfully submit that claim 12 is allowable over Barrett and BSCW under Section 103(a).

Claims 13-16

Applicants do not agree with the rejections of, and assertions regarding, claims 13-16. However, the rejections and assertions are moot, because these claims all depend on claim 12 as a base claim. Accordingly, these claims are allowable for at least the same reasons as is claim 12.

Claim 17-19

Item 23 of the Office Action asserted that claims 17-19 are rejected on the same basis as claims 12-13 and 15 "since they are apparatus claims of claims 12-13 and 15". Applicants do not agree with such a characterization of claims 17-19. However, given that Applicants have shown that claims 12-13 and 15 are allowable, Applicants believe that no alleged basis remains for rejecting claims 17-19. Accordingly, Applicants believe that the rejections of claims 17-19 should be withdrawn.

Claim 20

Claim 20 was rejected under Section 103(a) as being unpatentable over Barrett.

Item 26 of the Office Action contended that Barrett teaches "registering a user action indicating a compression option to be transferred", at Barrett, col. 10, lines 26-27. Applicants are respectfully confused and surprised by this contention, and Applicants respectfully disagree with the contention. The cited portion of Barrett merely states, in its entirety:

> *Providing an audible signal, and (ii) providing tactile feedback through a cursor positioning device used by the user to perform the step of positioning.*

As is seen, the cited portion of Barrett simply does not have anything to do with "indicating a compression option to be transferred". On the contrary, the cited portion of Barrett app ars to recite the use of a tactile indicator (e.g., through a force-feedback pointing stick) by Barrett's system to communicate with a human user. Such a tactile indicator is discussed, for example, at Barrett, col. 7, lines 34-43.

Force-feedback pointing sticks seem to have no relationship with compression whatsoever. For at least this reason, it is seen that a prima facie case of obviousness has not been made, and, indeed, cannot be made for claim 20 as being obvious in view of Barrett.

Item 26 of the Office Action conceded that Barrett does not specifically teach "presenting a transfer time for a compressed message to the user" from Applicants' claim 20. Applicants respectfully agree. However, Item 26 of the Office Action contended that:

> *However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to present transfer time for compressed version in Barrett's system will bring convenience to users by allowing them make a selection based on their need [col. 8, line 56 - col. 9, line 6]. One of ordinary skill would have been motivated to modify Barrett's system for attracting more users.*

Applicants respectfully disagree with the above assertion on several grounds. Perhaps the simplest ground is simply that no compressed message is mentioned or suggested in Barrett's system. Thus, there would have been no motivation or expectation of success for somehow presenting a transfer time of a nonexistent compressed message. In any event, the above assertion is moot given that the registering step has been shown in the previous paragraph not to be taught or suggested by Barrett.

Claims 2, 5, 6, 7

Claims 2 and 5 were rejected under Section 103(a) as being unpatentable over Mogul as applied to claim 1, in view of Barrett.

Claims 6 and 7 were rejected under Section 103(a) as being unpatentable over Mogul as applied to claim 1, in view of BSCW.

Applicants do not agree with the rejections of, and assertions regarding, claims 2 and 5 and 6 and 7. To take one mere example, none of the cited references was even alleged to teach or suggest that "sending a test is initiated in response to a user login", as is required by claim 5. To take another mere example, Applicants do not see that BSCW, col. 5, second paragraph teaches "sending the relevant applet to user for accessing the compressed file", as alleged in Item 16 of the Office Action. However, the rejections and assertions are moot, because these claims all depend on claim 1 as a base claim. Accordingly, these claims are allowable for at least the same reasons as is claim 1.

New Claims

New dependent claims 21-35 recite features that are not taught or suggested by the cited references, alone or in combination. Accordingly, Applicants respectfully submit that the new claims are allowable over the cited art at least for the same reasons as are their respective base claims, and also for the reason of the features that they themselves recite.